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Attorneys for Defendant Fred Meyer Jewelers, Inc.

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

MICHELE CONRAD,

Case No. _____

Plaintiff,

v.

**DEFENDANT FRED MEYER
JEWELERS, INC.'S NOTICE OF
REMOVAL**

FRED MEYER JEWELERS, INC.,

Defendant.

Pursuant to 28 USC §1441(a), Defendant Fred Meyer Jewelers, Inc.

("Defendant") submits this Notice of Removal and states:

PROCEDURAL HISTORY

1. On June 1, 2017, Plaintiff Michele Conrad filed her original Complaint in the Oregon Circuit Court for Multnomah County entitled *Michele Conrad v. Fred Meyer Jewelers, Inc.*, Case No. 17CV22323. (Crowhurst Decl., ¶ 2, Ex. A.) On

June 23, 2017, Plaintiff served the Summons and Complaint on Defendant. (Crowhurst Decl., ¶ 2, Ex. A-C).

2. No further proceedings have taken place in the Oregon Circuit Court for Multnomah County. (Crowhurst Decl., ¶ 3.)

STANDARD

3. “[A]ny civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.” 28 U.S.C. §1441(a).

4. To remove a case from state court to federal court, a defendant must file a notice of removal “containing a short and plain statement of the grounds for removal.” 28 U.S.C. §1446(a); *Dart Cherokee Basin Operating Co., LLC v. Owens*, 135 S. Ct. 547, 551, 190 L. Ed. 2d 495 (2014).

FEDERAL QUESTION JURISDICTION

5. Federal district courts have “original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.” 28 U.S.C. § 1331.

6. Pursuant to 28 U.S.C. § 1367, “in any civil action of which the district courts have original jurisdiction, the district courts shall have supplemental jurisdiction over all other claims that are so related to claims in the action within such original jurisdiction that they form part of the same case or controversy . . .”

7. Plaintiff’s First Claim for Relief alleges a cause of action under the federal Fair Labor Standards Act, 29 U.S.C. § 207.

8. Therefore, this Court has original jurisdiction on the basis of federal

question jurisdiction under 28 U.S.C. § 1331 and 29 U.S.C. § 185 and supplemental jurisdiction over any state law claims under 28 U.S.C. § 1367. Accordingly, this action is removable under 28 U.S.C. § 1441.

VENUE

9. Plaintiff originally filed this action in the Oregon Circuit Court for Multnomah County.

10. Pursuant to 28 U.S.C. § 1441(a), venue is proper in this district and this division, because it encompasses the county in which this action has been pending.

CONCLUSION

WHEREFORE, Defendant Fred Meyer Jewelers, Inc. respectfully requests that this action be removed to this Court in its entirety.

DATED: July 21, 2017.

BULLARD LAW

By s/ Megan J. Crowhurst

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Attorneys for Defendant

Fred Meyer Jewelers, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on July 21, 2017 I served the foregoing

DEFENDANT FRED MEYER JEWELERS, INC.'S NOTICE OF REMOVAL on:

Carl Post
John Burgess
Daniel Snyder
Law Offices of Daniel Snyder
1000 SW Broadway, Suite 2400
Portland, OR 97205

- ☒ by **electronic** means through the Court's Case Management/Electronic Case File system, which will send automatic notification of filing to each person listed above.
- ☐ by **mailing** a true and correct copy to the last known address of each person listed. It was contained in a sealed envelope, with postage paid, addressed as stated above, and deposited with the U.S. Postal Service in Portland, Oregon.
- ☐ by causing a true and correct copy to be **hand-delivered** to the last known address of each person listed. It was contained in a sealed envelope and addressed as stated above.
- ☐ by causing a true and correct copy to be delivered **via overnight courier** to the last known address of each person listed. It was contained in a sealed envelope, with courier fees paid, and addressed as stated above.
- ☐ by **faxing** a true and correct copy to the last known facsimile number of each person listed, with confirmation of delivery. It was addressed as stated above.
- ☐ by **emailing** a true and correct copy to the last known email address of each person listed, with confirmation of delivery.

s/ Megan J. Crowhurst
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